UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,552	08/07/2001	Linda J. McMeekin	JBP-562	2880

27777 7590 10/02/2002

AUDLEY A. CIAMPORCERO JR.
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

EXAMINER
JOYNES, ROBERT M

ART UNIT	PAPER NUMBER
1615	

DATE MAILED: 10/02/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/923,552	MCMEEKIN ET AL.	
	Examiner	Art Unit	
	Robert M. Joynes	1615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-15 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-15 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Receipt is acknowledged of applicants' Information Disclosure Statement filed on March 1, 2002.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, 7 and 9-15 are rejected under 35 U.S.C. 102(b) as being anticipated by RD 382014 A (February 1996). The RD reference teaches a textured wipe for treating the skin wherein a pattern of texture is applied to a substrate that is relatively non-textured by a hot-melt or plastic printing technique (See abstract provided). Polyolefins, polyesters and ethylene vinyl acetate are used to form the textured pattern. Area coverage, patterns, colors and thickness of the texture can be widely modified. The coverage area ranges from 1% to 100% of the substrate area. The thickness ranges from a few millimeters to 50 millimeters. The texture resins also contain active ingredients or controlled solubility active agents.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, 3, 4, 7 and 9-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over RD 382014 A (February 1996). The teachings of the RD reference are discussed above. The RD reference does not expressly teach the same exact surface area coverage range.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to change the particular surface area of the substrate that is covered by the texture resin.

One of ordinary skill in the art would have been motivated to do this provide various patterns and shapes as well as to provide more or less abrasive to clean the skin.

Therefore, the invention as a whole would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made.

Claims 2, 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over RD 382014 A (February 1996) in combination with Pung et al. (WO 9925318). The RD reference does not expressly teach the type of material that composed the substrate.

Pung teaches a cleansing wipe made from a single-layer, non-woven substrate (Page 2, line 72 – Page 5, line 173). The average basis weight of the substrate is from about 40 to 90 grams per square meter (Page 5, lines 164-173).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to choose a suitable substrate for producing a textured cleansing cloth.

One of ordinary skill in the art would have been motivated to do this to provide a sturdy yet flexible cloth that is suitable for the various parts of the body the cloth could be used for (e.g., the hair, the face, the feet, the torso).

Therefore, the invention as a whole would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made.

Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over RD 382014 A (February 1996). The teachings of the RD reference are discussed above. The RD reference does not teach the specific shapes of the raised elements on the wipe. The RD reference further does not expressly teach the diameters of the raised texture.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to to emply various shapes and diameter sizes. There is no criticality seen in applicants' claimed shapes and diameter sizes.

One of ordinary skill in the art would have been motivated to do this for aesthetic purposes and to provide a variety in the shapes and pattern sizes.

Therefore, the invention as a whole would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over RD382014 A (February 1996) in combination with Thomas et al. (US 5116563). The teachings of the RD reference are discussed above. The RD reference does not expressly teach that specific hot-melt technique for producing the raised texture pattern. The RD reference does teach that the Thomas reference discloses the suitable hot-melt techniques.

Thomas teaches one suitable hot-melt technique to be the gravure printing technique (Col. 5, lines 5-33).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to implement various hot-melt techniques for producing the textured pattern for the cleansing wipe.

One of ordinary skill in the art would have been motivated to do this based on availability and expense of the equipment used for such a technique.

Therefore, the invention as a whole would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made.

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Joynes whose telephone number is (703) 308-8869. The examiner can normally be reached on Monday through Friday 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K. Page can be reached on (703) 308-2927. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3592 for regular communications and (703) 305-3592 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1235.

Robert M. Joynes
Patent Examiner
Art Unit 1615
September 29, 2002

THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600